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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights in the administration of justice

Report of the Secretary-General

Addendum**

Summary

The present document is an addendum to a report submitted pursuant to a request made by the General Assembly to the Secretary-General in resolution 65/213, on human rights in the administration of justice. This addendum contains information, requested in a note verbale dated 8 May 2012 and sent to Member States, which was received after the deadline for the submission of information and not included in the main report. The addendum summarizes information received from Burkina Faso, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). In addition, although Japan submitted information that was included in the main report, it also provided supplementary information after the deadline. A summary of this supplementary information is included in the addendum.

* A/67/150.

** The information contained in the present report was received after the deadline for the submission of information for the main report.

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IV. Developments and activities at the national level

1. Burkina Faso reported that courts of first instance were present throughout its territory to ensure access to justice for the people, and that the right of appeal was guaranteed by law. Persons could also access dispute resolution processes provided by customary and religious chiefs, and could seek mediation. These procedures were independent of each other, and one could always access the formal courts.

2. Centres for social reinsertion had been established for juvenile offenders who were imprisoned. It was anticipated that a new law would be voted upon in the future to establish a more comprehensive legal framework for the protection of the rights of children. It was also envisaged to increase the number of judges dealing with juvenile justice.

3. Burkina Faso indicated that a number of conferences were organized each year on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, for security and defence force trainees. Procedures established by law existed to bring the condition of persons in detention to the attention of the General Prosecutor and the President of the Accusation Chamber. By law, the latter could also visit places of detention each time he or she deemed it necessary, and must visit them at least once a year. In addition, the Minister of Human Rights made visits to places of detention each year to ensure that applicable regulations were respected and that the treatment of detainees complied with applicable norms. In June 2012, the Government had adopted a decree creating a service for the protection of victims within the Ministry of Justice.

4. In terms of challenges, the death penalty could still be pronounced against juvenile offenders, although, as a practical matter, a death sentence had never been pronounced against a juvenile. In the case of adults, the death penalty could still be applied by the courts, although such sentences were no longer carried out, because in 2007 Burkina Faso had voted in favour of General Assembly resolution 62/149, concerning a moratorium on the application of the death penalty.

5. Japan provided information supplementary to its original submission, and reported that training in human rights, including trafficking in persons, had been incorporated into the training programme for officers in charge of immigration control. In the context of training related to trafficking in persons, special emphasis was placed on the protection of victims.

6. The Russian Federation reported that with regard to the implementation of paragraphs 3, 10 and 13 of General Assembly resolution 65/213, it was important to note the position of the plenary session of the Supreme Court of the Russian Federation and its decisions, in particular where the Court had repeatedly drawn the attention of judges to the need for the implementation of recognized principles and norms of international law relating to the administration of justice.

7. In paragraph 2 of the decision of the Supreme Court of 1 February 2011, the Court stated that in criminal cases relating to juvenile offenders, courts, in addition to compliance with the criminal law and criminal procedure law of the Russian Federation, should take into account provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the

Administration of Juvenile Justice (Beijing Rules), the Milan Plan of Action adopted by the Seventh Congress on the Prevention of Crime and the Treatment of Offenders, the United Nations Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and other official documents, including the recommendation of the Committee of Ministers of the Council of Europe on new ways of dealing with juvenile delinquency and the role of juvenile justice. If international agreements with the Russian Federation stipulated rules other than those enshrined in the laws of the Russian Federation, then courts should, in line with the requirements set out in part 3 of article 1 of the Russian Criminal Procedure Code, apply the rules set out in the international agreements.

8. The United Kingdom of Great Britain and Northern Ireland provided information on the Legal Aid, Sentencing and Punishment of Offenders (LAPSO) Act 2012, which introduced a wide range of reforms in the justice and legal aid systems in England and Wales. For example, the Act contained provisions restricting the availability of remands in custody cases. The Governments of Scotland and Northern Ireland had also taken significant steps with a view to strengthening their legal aid systems to ensure fair and effective access to justice. The Government of Northern Ireland was working on legislative and procedural reforms to speed up criminal cases. Initiatives advanced or considered included statutory time limits for youth cases. In addition, the Government of Scotland was carrying out comprehensive reforms of its justice system.

9. Moreover, the United Kingdom referred to changes regarding counter-terrorism and security powers, including the abolition of wide-ranging stop and search powers; reducing to 14 days the period of time people could be held before being charged with terrorism-related offences; and replacing control orders with more targeted terrorist prevention and investigation measures. In respect of the treatment of women offenders, the United Kingdom reported that international standards were met to a great extent and that women's community services were supported. Furthermore, the importance of supporting the children of offenders was recognized.

10. The United Kingdom indicated that a juvenile justice system was in place in England and Wales. The LAPSO Act 2012 would ensure that pretrial detention was used only as a last resort and that all those younger than 18 were treated as children in respect of remands on bail to local authority accommodation or (securely) to youth detention accommodation. In Northern Ireland, the youth justice system had been comprehensively reviewed by a team of experts. Recommendations included increasing the minimum age of criminal responsibility from 10 to 12 and, subsequently, to 14. An implementation plan would be published in September 2012. Reforms were also ongoing in Scotland. Furthermore, tailored interdisciplinary training on human rights in the administration of justice was provided for the judiciary.

11. The Bolivarian Republic of Venezuela reported that its Supreme Court had initiated a programme of mobile courts in order to carry out visits to various communities in the country. The judiciary had undertaken restructuring, evaluation and capacity-building measures. For example, the Office of the Public Prosecutor had established departments specializing in gender-based violence and the

protection of the human rights of persons deprived of their liberty, as well as local departments responsible for strengthening contact and communication with communities. In order to improve the administration of justice in the Bolivarian Republic of Venezuela and to ensure appropriate training for judges, a national school for judges had been established. Moreover, the Ombudsman and the legal aid service played an important role in ensuring the protection of human rights in the country.